URGENCY ORDINANCE 1342

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, CALIFORNIA, EXTENDING A 45-DAY MORATORIUM ON THE DEVELOPMENT OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS ON LOTS CREATED OR DEVELOPED PURSUANT TO GOVERNMENT CODE SECTION 66499.41 (SENATE BILL 1123, CABALLERO), FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS, DECLARING THE URGENCY THEREOF AND FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of San Dimas (City) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City pursuant to California Constitution Article XI, Section 7; and

WHEREAS, the State Planning and Zoning Law (Cal. Gov't Code Sections 65000, et seq.) broadly empowers the City to plan for and regulate the use and in order to provide for orderly development, the public health, safety, and welfare, and a balancing of property rights and the desires of the community and how its citizens envision their city; and

WHEREAS, the City's Accessory Dwelling Unit ordinance, which is codified at Chapter 18.38 of the San Dimas Municipal Code, allows a maximum of one accessory dwelling unit, either attached or detached, and one junior accessory dwelling unit per lot in all zones where single-family residential uses are allowed; and

WHEREAS, Senate Bill 684 (SB 684) was signed into law on October 11, 2023, which requires a ministerial process for subdivisions and housing development projects that can provide up to 10 new lots/residential units in multi-family zones; and

WHEREAS, Senate Bill 1123 (SB 1123) was signed into law on September 19, 2024, which amended SB 684 to require a ministerial process for subdivisions and housing development projects that can provide up to 10 new lots/residential units in single family zones; and

WHEREAS, projects in single family zones developed pursuant to SB 1123 could result in up to 10 residential units, 10 accessory dwelling units and 10 junior accessory dwelling units, for a total of 30 units on one single-family zoned property; and

WHEREAS, SB 1123 projects with accessory dwelling units and junior accessory dwelling units could lead to the overdevelopment of neighborhoods developed to consist of single family residences, which could negatively impact the community's public health, safety and welfare, specifically, traffic safety, parking, fire access, and placing further strain on existing infrastructure (e.g. sewer systems, water); and

WHEREAS, the City has received multiple inquiries about SB 1123 developments on single family zoned properties, and the interim urgency ordinance would allow the City to apply the prohibition of accessory dwelling units and junior accessory dwelling units on such forthcoming applications; and

WHEREAS, pursuant to Government Code Section 66499.41(g), a local agency is not required to permit an accessory dwelling unit or junior accessory dwelling unit on parcels created pursuant to SB 1123; and

WHEREAS, on September 22, 2026, the City Council adopted Interim Urgency Ordinance 1341, to impose a 45 day moratorium on the development of accessory dwelling units and junior accessory dwelling units on lots created or developed pursuant to Government Code Section 66499.41 (Senate Bill 1123, Caballero); and

WHEREAS, the City Council continues to be concerned that the public welfare will be threatened if accessory dwelling units and junior accessory dwelling units are allowed to be developed in association with SB 1123 projects; and

WHEREAS, based upon the forgoing, an extension of the moratorium is necessary so that the City may complete an amendment of the San Dimas Municipal Code to codify the permanent prohibition of accessory dwelling units and junior accessory dwelling units on SB 1123 projects; and

WHEREAS, notice was duly given of the City Council public hearing on the matter and that the public hearing was held on October 13, 2026, at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, this Ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City Council desires, on an urgency basis, to extend the temporary prohibition on the development of accessory dwelling units and junior accessory dwelling units on lots created or developed pursuant to Government Code Section 66499.41 (Senate Bill 1123, Caballero).

NOW, THEREFORE, the CITY COUNCIL of the CITY OF SAN DIMAS, California, does ordain as follows:

SECTION 1. FINDINGS.

A. The City Council finds that the facts set forth in the recitals above are true and correct and hereby adopts the recitals as findings in furtherance of this Ordinance.

B. Additionally, based on the foregoing, both verbal and written testimony at the City Council meeting, including the staff report, exhibits, and any materials provided by members of the public, the City Council finds as follows:

1. There continues to be a public urgency and a need to immediately protect the public health, safety, and welfare as detailed further in the moratorium and in this Ordinance.

2. The extension of the moratorium will continue to prohibit the development of accessory dwelling units and junior accessory dwelling units on lots created or developed pursuant to Government Code Section 66499.41 (Senate Bill 1123, Caballero).

3. The City Council desires to provide for the public safety, health and welfare of the residents by exercising its police power authority under Section 7 of Article XI of the California Constitution. Based on the findings and evidence set forth below, the City Council finds that the proliferation of accessory dwelling units and junior accessory dwelling units in single family neighborhoods which may potentially result from SB 1123 projects presents an immediate threat to the public welfare within the City. This potential overdevelopment of single family neighborhoods could negatively impact the community's public health, safety and welfare, specifically, traffic safety, parking, fire access, and placing further strain on existing infrastructure (e.g. sewer systems, water).

4. The City's accessory dwelling unit ordinance allows a maximum of one (1) accessory dwelling unit, either attached or detached, and one (1) junior accessory dwelling unit per property in all zones where single-family residential uses are allowed. Single family properties developed pursuant to SB 1123 could result in up to 10 accessory dwelling units and 10 junior accessory dwelling units on one (1) single family property, after being subdivided to create 10 lots. This type of development would not be consistent with the purpose and intent of the City's accessory dwelling unit ordinance. Therefore, the extension of the moratorium is warranted to provide Staff with sufficient time to initiate an amendment to the San Dimas Municipal Code to codify the prohibition of accessory dwelling units and junior accessory dwelling units on lots created or developed pursuant to Government Code Section 66499.41, consistent with subsection of Government Code Section 66499.41.

5. The City Council finds that without an extension of the moratorium, density in single family neighborhoods can be significantly increased without proper planning to address impacts related to traffic, parking, public safety, fire access, and strain on existing infrastructure. Under the current San Dimas Municipal Code and existing State Housing legislation (SB 9), one single family property can be developed with up to four (4) units; two (2) main units, one (1) accessory dwelling unit and one (1) junior accessory dwelling unit. Single family properties developed pursuant to SB 1123 could be developed with up to 30 units, if subdivided to create 10 lots; one (1) main unit, one (1) accessory dwelling unit and one (1) junior accessory dwelling unit for each lot. What further exacerbates the concern is that SB 123 does not require a minimum lot size to be eligible for development. The City's single family lots, which average 7,000 square feet in lot size, were developed to support one (1) single family unit, and not up to 30 units if developed pursuant to SB 1123.

6. The City Council additionally finds that the development of accessory dwelling units and junior accessory dwelling units on lots created or developed pursuant to Government Code Section 66499.41 (SB 1123) would be in direct conflict with the City's General Plan Land Use Goal L-1: Maintain the rural small town low density atmosphere of San Dimas. SB 1123 developments with accessory dwelling units and junior accessory dwelling units would not be in compliance with the Goal's objective of providing a community where residential uses are predominately low density and conserving existing residential neighborhoods. In addition, SB 1123 developments with accessory dwelling units and junior accessory dwelling units

and junior accessory dwelling units would be in conflict with Goal L-4 – Plan and create an urban form that efficiently utilizes urban infrastructure and services; Objective: Consider each development proposal in a larger development context. Understand how each development contributes to certain capacity thresholds for circulation, community services and utilities.

7. The City Council finds that adopting the extension of the urgency ordinance is for the immediate preservation of the public peace, health, or safety of the residents of the City of San Dimas, as it ensures that the overdevelopment of single family neighborhoods does not occur, which could negatively impact the community's the community's public health, safety and welfare, specifically traffic safety, parking, fire access, and placing further strain on existing infrastructure (e.g. sewer systems, water).

SECTION 2. MORATORIUM IMPOSED, During the period of this Ordinance, accessory dwelling units and junior accessory dwelling units shall be prohibited on any lots created or developed pursuant to Government Code Section 66499.41 (Senate Bill 1123, Caballero). The foregoing shall explicitly prohibit the issuance of any zoning approvals, building permits or any other applicable land use or zoning entitlement or approval of accessory dwelling units and junior accessory dwelling units on parcels created or developed pursuant to SB 1123, notwithstanding other existing zoning provisions and regulations of the City.

The purpose of this Ordinance is to provide for the health, safety and welfare of the City and its residents by exercising the police power provided for in the California Constitution that underlies the City's zoning powers.

SECTION 3. COUNCIL DIRECTION; STUDY AND DEVELOPMENT, The City Council hereby directs City Staff, during the effective period of this Ordinance, to complete an amendment of the San Dimas Municipal Code to codify the prohibition of accessory dwelling units and junior accessory dwelling units on lots created or developed pursuant to Government Code Section 66499.41 (Senate Bill 1123, Caballero). The written report required by Government Code Section 65858(d) shall be prepared by City Staff and issued no later than 10 days prior to the expiration of or extension of the Ordinance.

SECTION 4. AUTHORITY, This Ordinance is adopted as an urgency measure pursuant to Government Code Section 65858 to protect the general safety, health and welfare by prohibiting accessory dwelling units or junior accessory dwelling units on parcels created or developed pursuant to SB 1123, as allowed per Government Code Section 66499.41(g).

SECTION 5. STATEMENT OF URGENCY, Based on the recitals and factual findings set forth in Section 1 above, which are hereby incorporated and deemed true and correct, this Ordinance is urgently needed for the immediate and long-term preservation of the public safety, health, and welfare. To enact this Ordinance after giving notice, holding a public hearing, and two readings thereof, and thereafter wait thirty days for said ordinance to become effective, will be detrimental to the public health, safety, and welfare, in that during the interim period, the possible development of SB 1123 projects could result in the proliferation of accessory dwelling units and junior accessory dwelling units beyond what the City's current accessory dwelling unit ordinance intended to allow. Such overdevelopment could negatively impact the community's public health, safety and welfare, specifically traffic safety, parking, and fire access, and further strain existing infrastructure (e.g. sewer systems, water) meant to serve single family neighborhoods and not

multi-family neighborhoods. The result of such development would be irreversible and could cause costly negative impacts in the community. This Ordinance shall take effect immediately upon adoption by a four-fifths (4/5) vote of the City Council.

SECTION 6. CEQA EXEMPTION. This Ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA. This Ordinance will temporarily reduce the possibility of any impacts on the environment by prohibiting the development of accessory dwelling units or junior accessory dwelling units on parcels created or developed pursuant to SB 1123, during the effective period of the Ordinance.

SECTION 7. SEVERABILITY. The City Council declares that, should any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this Ordinance and as such they shall remain in full force and effect.

SECTION 8. SUPERSEDING OF CONFLICTING PROVISIONS. The provisions of this Ordinance hereby supersede the provisions of the San Dimas Municipal Code that are in conflict with this Ordinance.

SECTION 9. PUBLICATION, The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be published as required by law.

SECTION 10. EFFECTIVE DATE AND EXPIRATION. This Ordinance shall take effect immediately and shall remain in effect for a period of 10 months and 15 days, pursuant to the authority conferred upon the City Council by Government Code sections 36937 and 65858. This Ordinance shall be of no further force and effect 10 months and 15 days following the date of its adoption unless extended in accordance with the provisions set forth in Government Code Section 65858.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Dimas this 13th day of October, 2026, by the following vote:

AYES: Badar, Bratakos, Nakano, Weber
NOES: None
ABSENT: Vienna
ABSTAIN: None

Emmett G. Badar, Mayor

ATTEST:

Debra Black, City Clerk

APPROVED AS TO FORM:

Jeff Malawy, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF SAN DIMAS)

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1342 was passed, approved and adopted at a regular meeting of said City Council held on the 13th day of October, 2026.

Debra Black, City Clerk